

**MAYOR AND COUNCIL  
PUBLIC HEARING**

Tuesday, February 24, 2004, 7:00 p.m.

Temporary Dumpster Ordinance

Mayor call to Order

Rick Stup - Overview of Ordinance

Bell - Questions as to extension to time limit.

Rick - May be considered, but conditions of pavement must be considered. Time limit now is 30 days.

Stull - Does it apply to private property?

Rick - Private property is governed by zoning ordinance.

**MAYOR AND COUNCIL MEETING**

Tuesday, February 24, 2004, 7:05 p.m.

Pledge

Mayor's Remarks

Citizens' Forum

Ellis Burriss - Souder Road - Questions solicitation by Ambulance Company Auxiliary.  
Discovered that a portion of donation goes to the photography company.

Smith - This is a program that you get a free photo with your donation. A portion does goes to the photography company. Will bring up at monthly meeting tomorrow night.

Roll Call - Harrington, Smith, Greenfield, Stull, Castle, Bell...all present

Old Business:

Maryland Main Street

Dr. Algaier - EDC Collected approximately \$13,000 per year from donations thus far.

Frank Bredimus - Downtown Property Owner. Has witnessed Main Street in Charles Town and Leesburg where it has had great results. Has given financial support.

Harry Lashley, 416 Brunswick St. - Speaks in favor of program. Believes this program is worth the outlay. The donations of \$13,000 is an indication of support in the community.

Diane Ellis, 904 East A St., business owner - Speaks in support of program. The program brings new jobs, businesses, increased revenue, and better business climate.

Kara Norman - Executive Director of Downtown Frederick, (Main Street)  
Works with 84 volunteers to enhance downtown Frederick. Good Board of Directors is important. Have obtained grant funding and training.

Charlotte Thompson, Chairman Harper's Ferry Main Street. Being affiliated with the National Trust gives the program clout. All members on the Board are volunteers and have full-time jobs. Walking Tour Brochure, community gathering, dinners, advertisement, partnership with other civic groups, beautification programs, free consultants, traffic and parking studies, etc. (Member of Harper's Ferry Town Council and teacher at BHS.)

Bill Eshbaugh, 125 Central Ave. - Became familiar with Main Street two years ago. Speaks in support of program. Owns business in Leesburg and has witnessed the success of the project.

Lou Iaquina, Pleasants Development - City is poised for growth. Brunswick Crossing is planning on design for connectivity to downtown. A vibrant downtown is necessary.

William Warren - A renovated downtown is necessary. Speaks in support.

Mayor - Resolution 04-02 will deal with program. Addresses "conflict of interest" by a concerned citizen who thinks at least four Councilman have conflict due to their ties to downtown. Reads email of concern. Believes conflict has to see "direct" benefit to Councilman. When property taxes were reduced years ago, all Councilman voted without conflict, even though they had direct benefit.

John Clapp, City Attorney - Maryland Code states Code of Ethical Conduct must be enacted. Requires direct financial benefit and not the public at large. Does it impair your independent judgement.

Smith - Has requested Council members to recuse themselves when he was Mayor. Questions a return of \$39 to every \$1 investment—what is basis for the statistic?

John Clapp - Must have direct financial impact as distinguished from the public in general.

Smith - Ethics committee should be able to decide whether someone can vote.

Mayor - Ethics is a post action to vote.

Harrington - Last year there was not a mention of conflict. Has downtown business, but it's under contract. Will not recuse himself.

Castle - Has office space in downtown Brunswick and do not believe he has a conflict.

Greenfield - Does not believe there is any conflict of interest.

Stull - Wife owns business in downtown Brunswick and does not believe there is a conflict.

Charlotte - Return comes back to Town not individuals.

Castle - Motion to approve Resolution 04-02 to authorize participation in Main Street.  
2<sup>nd</sup> Greenfield

Vote 4 - 2 in favor, Bell and Smith opposed.

Bob Clark/Key Sanitation - Overview of trash and recycling. Questions Frederick County decision not to issue any new recycling bins. Complains about 50 gallon totes being used by some residents. Suggests making notification to citizens of trash and recycling requirements.

Bell - Questions if construction material can be picked up by appointment.

Bob - No

Mayor - We are in conversation with the County and awaiting an answer on recycling.

Castle - Suggests newspaper ads and Channel 99 for information.

Rick - Temporary Dumpster Ordinance - Overview during Public Hearing.

Bell - Wants to make sure extensions can be obtained.

Rick - Problem arose when a citizen left dumpster for several months causing neighbor complaints.

Motion by Stull to enact Ordinance 410

2<sup>nd</sup> Smith

Vote 6 - 0 to approve

Water and Sewer Rules and Regulations - Rick Stup

Overview of regulations. Meter costs, pg. 21, Fire Service added. The regulations purpose is not to make money but refund costs. Scheduled for March 9 Public Hearing and subsequent vote.

Smith - Questions why we do not charges 150% for out-of-town residents.

Rick - The 150% costs are attached to user fees and usage.

Harrington - Questions \$3,956 sewer capacity charges and if a church operating a daycare would be considered a business.

Rick - Will make determination if it is a business and those rates may apply.

New Business:

Railroad Museum Street Closing

Chief believes Railroad Museum is great attraction and closure worthwhile.

Motion Harrington to close street May 1, May 2

2<sup>nd</sup> Smith

Vote 6 - 0

Dave - 2004 Fireworks Bid - Past few years, same vendor has been used. Staff recommends putting out RFP for various bids.

Bell - motion to put of RFP for fireworks

2<sup>nd</sup> - Stull

Vote 6 - 0

Dave - West End Park Grant Money - POS grant money we already have - if we don't use, we will lose. \$119,383...no grant match. Permission from Council to use this acquisition money for West End Park.

Mayor - Normally, acquisition money must be use for just that, however, West End Park land was donated to city. We had 2 years to use POS money, which we're nearing...July 1, 2004.

Smith - motion to accept

2<sup>nd</sup> - Greenfield

Vote - 6 -0

Mayor - Express Running Club Contribution - there was question as to tax exempt status, but correct documentation was obtained

Smith - motion to donate \$200

2<sup>nd</sup> - Castle

Vote- 6 - 0

Dave - Summer MML Convention - everyone seems to agree to send 4 people, Mayor being one.

Smith - Mayor, Administrator should definitely go and be paid for, along with 2 council members.

Smith - motion to send Mayor, Administrator (fully funded) and any Council member, in addition to 2, can be funded at 70%

2<sup>nd</sup> - Bell

Vote - 5 -1, Bell opposed

Dave - Planning Assistant - amount of work is increasing for Planner...asking for 8 hours to be added to position...total of 16 hours dedicated to Planner per week for an assistant. Will save costs hiring Assistant, as opposed to paying Planner overtime, which is the current case.

Smith - It will save money hiring an assistant. No benefits.

Smith - Motion to hire assistant

2<sup>nd</sup> - Harrington

Vote - 6-0

Adjourned 9:00 p.m.

Approved By: \_\_\_\_\_  
Mayor Date

Witnessed By: \_\_\_\_\_  
City Administrator Date